

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

CONE/MELTON  
MARCH 26, 2009

2

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. EDGE PROPOSES THE FOLLOWING AMENDMENT

No. TO H. 3415

(DOCUME~1\GRANTR\LOCALS~1\TEMP\XPGRPWISE\  
9292HTC09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF  
AMENDED, IN SECTION 1, PAGE 5, BY STRIKING  
SUBSECTION (D) AND INSERTING:**

**/ (D) THE TEXT OF THE AMENDING LANGUAGE  
REQUIRED IN SUBSECTION (C)(2) MUST BE  
DELIVERED TO THE CODE COMMISSIONER WHO  
MUST TAKE STEPS TO PREPARE THE SUBSTANCE  
OF THE AMENDMENT TO BE ENROLLED AND  
ENGROSSED IN THE CODE OF LAWS WITH THE**

**PROVISIONS OF THE AMENDMENT TO TAKE EFFECT JANUARY 1, 2011, IF THE REPORT IS APPROVED BY ENACTMENT OF A JOINT RESOLUTION WHICH DEALS EXCLUSIVELY WITH THE SINGLE SUBJECT AND QUESTION OF APPROVAL OF THE REPORT AND THE ASSOCIATED AMENDMENT, IN ITS ENTIRETY. THE LEGISLATION CONTAINING THE AMENDMENT TO ENACT THE RECOMMENDATIONS OF THE REPORT MADE BY THE COMMISSION MUST BE INTRODUCED IN BOTH HOUSES BY CHAIRMAN OF THE SENATE FINANCE COMMITTEE AND THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE. AN AMENDMENT IS GERMANE TO LEGISLATION RECOMMENDED BY THE COMMISSION ONLY IF THE AMENDMENT SEEKS TO MAKE A TECHNICAL CHANGE NECESSARY TO EFFECTUATE THE PURPOSE OF THE PARTICULAR PROVISION TO BE AMENDED. AN AMENDMENT THAT SEEKS TO ADD, DELETE, OR SUBSTANTIVELY CHANGE A RECOMMENDATION OR OTHER PROVISION AFFECTING STATE**

**REVENUE INCLUDED IN ANY LEGISLATION  
RECOMMENDED BY THE COMMISSION MAY ONLY  
BE ADOPTED OR CONCURRED IN BY A MAJORITY  
VOTE OF THOSE PRESENT AND VOTING IN EACH  
RESPECTIVE HOUSE. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

5

McGEE/MORGAN  
MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. OTT PROPOSES THE FOLLOWING AMENDMENT NO. TO  
H. 3415  
(DOCUME~1\PAULPA~1\LOCALS~1\TEMP\XPGRPWISE\19375MM09):

REFERENCE IS TO THE JOINT RESOLUTION AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF  
AMENDED, SECTION 1(A), BY DELETING (A) IN ITS  
ENTIRETY AND INSERTING:**

**/ (A) THERE IS CREATED THE SOUTH  
CAROLINA TAXATION REALIGNMENT  
COMMISSION TO BE COMPRISED OF SEVENTEEN  
MEMBERS APPOINTED AS FOLLOWS:**

**(1)TWO MEMBERS APPOINTED BY THE  
GOVERNOR;**

**(2)TWO MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE;**

**(3)TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;**

**(4)TWO MEMBERS APPOINTED BY THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE;**

**(5)TWO MEMBERS APPOINTED BY THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE;**

**(6)ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;**

**(7)ONE MEMBER TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;**

**(8)TWO MEMBERS OF THE SENATE TO SERVE EX OFFICIO, TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE;**

**(9)TWO MEMBERS OF THE HOUSE TO SERVE EX OFFICIO, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;**

**(10) THE DIRECTOR OF THE DEPARTMENT OF REVENUE TO SERVE EX OFFICIO.**

**THE MEMBERS APPOINTED PURSUANT TO ITEMS (1) THROUGH (7) ABOVE MAY NOT BE MEMBERS OF THE GENERAL ASSEMBLY AND MUST HAVE SUBSTANTIAL ACADEMIC OR PROFESSIONAL EXPERIENCE OR SPECIALIZATION IN ONE OR MORE AREAS OF PUBLIC FINANCE, GOVERNMENT BUDGETING AND ADMINISTRATION, TAX ADMINISTRATION, ECONOMICS, ACCOUNTING, OR TAX LAW.**

**THE MEMBERS APPOINTED PURSUANT TO ITEMS (1) THROUGH (9) ABOVE SHALL SERVE AT THE PLEASURE OF THEIR APPOINTING AUTHORITY.**

**ALL VACANCIES SHALL BE FILLED IN THE MANNER OF ORIGINAL APPOINTMENT. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

CONE/MELTON  
MARCH 25, 2009

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CLERK OF THE HOUSE

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REPS. EDGE AND WHITE PROPOSE THE FOLLOWING  
AMENDMENT NO. TO H. 3415:

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF  
AMENDED, BY STRIKING SECTION 1(B)(2)  
BEGINNING ON PAGE 2 AND INSERTING:**

**/ (2) SHALL SERVE WITHOUT COMPENSATION  
AND ARE INELIGIBLE FOR THE USUAL MILEAGE,  
SUBSISTENCE, AND PER DIEM ALLOWED BY LAW  
FOR MEMBERS OF BOARDS, COMMITTEES, AND  
COMMISSIONS. OTHER EXPENSES INCURRED BY  
THE COMMISSION MUST BE PAID EQUALLY FROM  
APPROVED ACCOUNTS OF EACH HOUSE SUBJECT  
TO THE APPROVAL OF THE RESPECTIVE  
OPERATIONS AND MANAGEMENT COMMITTEES; /**

**AMEND FURTHER, AS AND IF AMENDED, BY STRIKING SECTION 1(D) ON PAGE 4 AND INSERTING:**

**/ (D) THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE SHALL RECEIVE THE REPORT REQUIRED BY SUBSECTION (C)(2) AND SHALL SUBSEQUENTLY INTRODUCE LEGISLATION SOLELY CONCERNING THE CONTENTS OF THE REPORT.**

**AN AMENDMENT THAT SEEKS TO ADD, DELETE, OR SUBSTANTIVELY CHANGE A RECOMMENDATION OR OTHER PROVISION AFFECTING STATE REVENUE INCLUDED IN ANY LEGISLATION RECOMMENDED BY THE COMMISSION MAY ONLY BE ADOPTED OR CONCURRED IN BY A MAJORITY ROLL CALL VOTE OF THOSE PRESENT AND VOTING IN EACH RESPECTIVE HOUSE. /**



**RENUMBER SECTIONS TO CONFORM.**  
**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

McGEE/MORGAN  
MARCH 26, 2009

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CLERK OF THE HOUSE

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THE WAYS AND MEANS COMMITTEE PROPOSES THE  
FOLLOWING AMENDMENT NO. TO H.3722  
(COUNCIL\AGM\19371MM09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED,  
SECTION 13, PAGES 11 AND 12, AND SECTION  
29, PAGE 20, BY DELETING SECTIONS 13 AND 29  
IN THEIR ENTIRETY.**

**AMEND THE BILL, FURTHER, BY ADDING AN  
APPROPRIATELY NUMBERED SECTION TO READ:**

**/SECTION \_\_\_\_ . SECTION 12-36-2120 OF THE  
1976 CODE, AS AMENDED BY ACT 338 OF 2008, IS**

**AMENDED BY ADDING AN APPROPRIATELY  
NUMBERED ITEM TO READ:**

**“( ) MACHINERY AND EQUIPMENT  
INCLUDING LIGHTING, FILMING AND COMPUTER  
EQUIPMENT, BUILDING AND OTHER RAW  
MATERIALS USED IN TEST SPECIMENS, AND  
ELECTRICITY AND ELECTRICAL TRANSFORMERS  
AND SUBSTATIONS PURCHASED FOR USE IN THE  
OPERATION OF A FACILITY PLACED IN SERVICE  
ON OR AFTER JULY 2, 2009 OWNED BY AN  
ORGANIZATION WHICH QUALIFIES AS A TAX  
EXEMPT ORGANIZATION PURSUANT TO THE  
INTERNAL REVENUE CODE SECTION 501(C)(3)  
WHEN THE FACILITY IS PRINCIPALLY USED FOR  
RESEARCHING AND TESTING THE IMPACT OF  
SUCH NATURAL HAZARDS AS WIND, FIRE, WATER,  
EARTHQUAKE, AND HAIL ON BUILDING  
MATERIALS AND CONSTRUCTION METHODS USED  
IN RESIDENTIAL, COMMERCIAL, AND  
AGRICULTURAL BUILDINGS. TO QUALIFY FOR  
THIS EXEMPTION, THE TAXPAYER SHALL NOTIFY**

**THE DEPARTMENT OF ITS INTENT TO QUALIFY AND SHALL INVEST AT LEAST TWENTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY AT A SINGLE SITE IN THIS STATE OVER A THREE-YEAR PERIOD BEGINNING ON THE DATE PROVIDED BY THE TAXPAYER TO THE DEPARTMENT IN ITS NOTICES. AFTER THE TAXPAYER NOTIFIES THE DEPARTMENT OF ITS INTENT TO QUALIFY AND USE THIS EXEMPTION, THE DEPARTMENT SHALL ISSUE AN APPROPRIATE EXEMPTION CERTIFICATE TO THE TAXPAYER TO BE USED FOR QUALIFYING PURPOSES. WITHIN SIX MONTHS OF THE THIRD ANNIVERSARY OF THE TAXPAYER'S FIRST USE OF THE EXEMPTION, THE TAXPAYER SHALL NOTIFY THE DEPARTMENT IN WRITING THAT IT HAS MET THE TWENTY MILLION DOLLAR INVESTMENT REQUIREMENT OR THAT IT HAS NOT MET THE TWNETY MILLION DOLLAR INVESTMENT REQUIREMENT. THE DEPARTMENT MAY ASSESS ANY TAX DUE ON THE MACHINERY AND EQUIPMENT AND ALL OTHER MATERIALS PURCHASED TAX-FREE PURSUANT TO THIS ITEM**

**BUT DUE THE STATE AS A RESULT OF THE TAXPAYER'S FAILURE TO MEET THE TWENTY MILLION DOLLAR INVESTMENT REQUIREMENT. THE RUNNING OF THE PERIODS OF LIMITATIONS FOR ASSESSMENT OF TAXES PROVIDED IN SECTION 12-54-85 IS SUSPENDED FOR THE TIME PERIOD BEGINNING WITH NOTICE TO THE DEPARTMENT BEFORE THE TAXPAYER USES THE EXEMPTION AND ENDING WITH NOTICE TO THE DEPARTMENT THAT THE TAXPAYER EITHER HAS MET OR HAS NOT MET THE TWENTY MILLION DOLLAR INVESTMENT REQUIREMENT. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

McGEE/BARDEN  
MARCH 26, 2009

2

CLERK OF THE HOUSE

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REP. WHITE PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3722 (COUNCIL\SWB\5851MM09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
ADDING AN APPROPRIATELY NUMBERED  
SECTION TO READ:**

**/SECTION \_\_. SECTION 12-2-25(B) OF THE  
1976 CODE IS AMENDED TO READ:**

**“(B) FOR ALL SOUTH CAROLINA TAX  
PURPOSES:**

**(1)A SINGLE-MEMBER LIMITED LIABILITY  
COMPANY, WHICH IS NOT TAXED FOR SOUTH  
CAROLINA INCOME TAX PURPOSES AS A**

**CORPORATION, IS NOT REGARDED AS AN ENTITY SEPARATE FROM ITS OWNER;**

**(2)A QUALIFIED SUBCHAPTER S SUBSIDIARY, AS DEFINED IN SECTION 1361(B)(3)(B) OF THE INTERNAL REVENUE CODE, IS NOT REGARDED AS AN ENTITY SEPARATE FROM THE “S CORPORATION THAT OWNS THE STOCK OF THE QUALIFIED SUBCHAPTER S SUBSIDIARY; AND**

**(3)A GRANTOR TRUST, TO THE EXTENT THAT IT IS A GRANTOR TRUST, IS NOT REGARDED AS AN ENTITY SEPARATE FROM ITS GRANTOR.” /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

CONE/MELTON  
MARCH 25, 2009

6

\_\_\_\_\_  
CLERK OF THE HOUSE

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REPS. EDGE AND WHITE PROPOSE THE FOLLOWING  
AMENDMENT No. TO S. 12 :

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF  
AMENDED, BY STRIKING SECTION 1(B)(2)  
BEGINNING ON PAGE 2 AND INSERTING:**

**/ (2) SHALL SERVE WITHOUT COMPENSATION  
AND ARE INELIGIBLE FOR THE USUAL MILEAGE,  
SUBSISTENCE, AND PER DIEM ALLOWED BY LAW  
FOR MEMBERS OF BOARDS, COMMITTEES, AND  
COMMISSIONS. OTHER EXPENSES INCURRED BY  
THE COMMISSION MUST BE PAID EQUALLY FROM  
APPROVED ACCOUNTS OF EACH HOUSE SUBJECT  
TO THE APPROVAL OF THE RESPECTIVE  
OPERATIONS AND MANAGEMENT COMMITTEES; /**



**AMEND FURTHER, AS AND IF AMENDED, BY STRIKING SECTION 1(D) ON PAGE 4 AND INSERTING:**

**/ (D) THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE AND THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE SHALL RECEIVE THE REPORT REQUIRED BY SUBSECTION (C)(2) AND SHALL SUBSEQUENTLY INTRODUCE LEGISLATION SOLELY CONCERNING THE CONTENTS OF THE REPORT.**

**AN AMENDMENT THAT SEEKS TO ADD, DELETE, OR SUBSTANTIVELY CHANGE A RECOMMENDATION OR OTHER PROVISION AFFECTING STATE REVENUE INCLUDED IN ANY LEGISLATION RECOMMENDED BY THE COMMISSION MAY ONLY BE ADOPTED OR CONCURRED IN BY A MAJORITY ROLL CALL VOTE OF THOSE PRESENT AND VOTING IN EACH RESPECTIVE HOUSE. /**

**RENUMBER SECTIONS TO CONFORM.**  
**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

#2

CONE/MELTON  
MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

REP. EDGE PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3590

(DOCUME~1\KATIEO~1\LOCALS~1\TEMP\XPGRPWISE\9296HTC09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. CHAPTER 10, TITLE 4 OF THE  
1976 CODE IS AMENDED BY ADDING:**

**“ARTICLE 9**

**LOCAL OPTION TOURISM DEVELOPMENT FEE**

**SECTION 4-10-910. THIS ARTICLE MAY BE CITED AS THE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT.**

**SECTION 4-10-920. FOR PURPOSES OF THIS ARTICLE:**

**(1) COUNTY. MEANS A COUNTY IN WHICH REVENUES OF THE STATE ACCOMMODATIONS TAX IMPOSED PURSUANT TO SECTION 12-36-920 HAVE AGGREGATED AT LEAST FOURTEEN MILLION DOLLARS IN A FISCAL YEAR.**

**(2) FEE. MEANS THE LOCAL OPTION TOURISM DEVELOPMENT FEE ALLOWED TO BE IMPOSED AS PROVIDED IN THIS ARTICLE.**

**(3) MUNICIPALITY. MEANS A MUNICIPAL CORPORATION CREATED PURSUANT TO CHAPTER 1, TITLE 5 OR A MUNICIPAL GOVERNMENT AS THE USE OF THE TERM DICTATES.**

**SECTION 4-10-930. (A) SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, A**

**MUNICIPALITY MAY IMPOSE IN THE MUNICIPALITY A FEE NOT TO EXCEED ONE PERCENT FOR NOT MORE THAN TEN YEARS FOR THE PURPOSES PROVIDED IN SECTION 4-10-970 BY:**

**(1)AN ORDINANCE ADOPTED BY A SUPERMAJORITY OF THE MUNICIPAL COUNCIL WHICH MUST BE AT LEAST TWO-THIRDS OF THE MEMBERS OF A MUNICIPAL COUNCIL; OR**

**(2)THE APPROVAL OF A MAJORITY OF QUALIFIED ELECTORS VOTING IN A REFERENDUM HELD PURSUANT TO THIS SECTION CALLED BY A MAJORITY OF THE MEMBERS OF THE MUNICIPAL COUNCIL.**

**(B)(1) UPON THE ADOPTION OF A RESOLUTION CALLING FOR A REFERENDUM BY THE MUNICIPAL COUNCIL, THE MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY SHALL CONDUCT A REFERENDUM ON THE FIRST TUESDAY NINETY DAYS AFTER OF THE ADOPTION OF THE RESOLUTION ON THE QUESTION OF IMPLEMENTING THE FEE WITHIN THE MUNICIPALITY. THE STATE ELECTION LAWS APPLY TO THE REFERENDUM MUTATIS MUTANDIS. THE MUNICIPAL ELECTION COMMISSION SHALL PUBLISH THE RESULTS OF THE REFERENDUM AND CERTIFY THEM TO THE MUNICIPAL COUNCIL. THE FEE MUST NOT BE IMPOSED IN THE MUNICIPALITY, UNLESS A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE REFERENDUM APPROVE THE QUESTION.**

**(2) THE BALLOT MUST READ SUBSTANTIALLY AS FOLLOWS:**

**·MUST A ONE PERCENT FEE ON THE GROSS PROCEEDS OF SALES OR SALES PRICE OF ALL AMOUNTS SUBJECT TO THE SALES AND USE TAX IMPOSED PURSUANT TO CHAPTER 36, TITLE 12, BUT NOT THE GROSS PROCEEDS OF THE SALE OF ITEMS SUBJECT TO A MAXIMUM TAX IN CHAPTER 36, TITLE 12 AND THE GROSS PROCEEDS OF SALES OF UNPREPARED FOOD THAT LAWFULLY MAY BE PURCHASED WITH UNITED STATES DEPARTMENT OF AGRICULTURE FOOD COUPONS, BE LEVIED IN \_\_\_\_\_ FOR THE PURPOSE OF TOURISM ADVERTISEMENT AND PROMOTION DIRECTED AT NON-SOUTH CAROLINA RESIDENTS?·**

**Yes ☐**

**No ☐**

**(3) IF THE QUESTION IS NOT APPROVED AT THE INITIAL REFERENDUM, THE MUNICIPAL COUNCIL MAY CALL FOR ANOTHER REFERENDUM ON THE QUESTION. HOWEVER, FOLLOWING THE INITIAL REFERENDUM, A REFERENDUM FOR THIS PURPOSE MUST NOT BE HELD MORE OFTEN THAN ONCE IN A TWENTY-FOUR MONTH PERIOD ON THE TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EVEN NUMBERED YEARS.**

**(4) TWO WEEKS BEFORE THE REFERENDUM, THE MUNICIPAL COUNCIL SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE JURISDICTION A DESCRIPTION OF AND THE USES FOR THE FEE.**

**(C)(1) UPON THE ADOPTION OF A RESOLUTION CALLING FOR A REFERENDUM TO RESCIND THE FEE BY THE MUNICIPAL COUNCIL, THE MUNICIPAL ELECTION COMMISSION SHALL CONDUCT A REFERENDUM IN THE SAME MANNER PROVIDED IN SUBSECTION (B) ON THE QUESTION OF RESCINDING THE FEE IMPOSED BY THIS SECTION. THE STATE ELECTION LAWS APPLY TO THE REFERENDUM MUTATIS MUTANDIS. THE**

**MUNICIPAL ELECTION COMMISSION SHALL PUBLISH THE RESULTS OF THE REFERENDUM AND CERTIFY THEM TO THE MUNICIPAL COUNCIL. THE FEE MUST BE RESCINDED IN THE MUNICIPALITY UPON THE CERTIFICATION OF THE RESULTS IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE REFERENDUM VOTE IN FAVOR OF RESCINDING THE FEE.**

**(2) THE BALLOT MUST READ SUBSTANTIALLY AS FOLLOWS:**

**‘MUST THE ONE PERCENT LOCAL FEE LEVIED IN \_\_\_\_\_ PURSUANT TO SECTION 4-10-930 OF THE 1976 CODE BE RESCINDED?’**

**Yes ☐**

**No ☐**

**(3) A REFERENDUM FOR RESCISSION OF THIS FEE MAY NOT BE HELD EARLIER THAN TWO YEARS AFTER THE FEE HAS BEEN LEVIED IN THE MUNICIPALITY. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE RESCISSION REFERENDUM VOTE AGAINST RESCINDING THE FEE, NO FURTHER RESCISSION REFERENDUMS MAY BE HELD FOR A PERIOD OF TWENTY-FOUR MONTHS ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER OF EVEN NUMBERED YEARS. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE IN FAVOR OF RESCINDING THE TAX, THE FEE MAY NOT BE REIMPOSED IN THE MUNICIPALITY FOR A PERIOD OF TWO YEARS.**

**(D) THE IMPOSITION DATE OF THE FEE ALLOWED PURSUANT TO THIS ARTICLE IS THE FIRST DAY OF THE FIRST MONTH BEGINNING MORE THAN SIXTY DAYS AFTER THE MUNICIPALITY FILES A CERTIFIED COPY OF THE IMPOSITION ORDINANCE OR THE CERTIFICATION OF THE RESULTS OF THE REFERENDUM WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE.**

**(E) ONCE A CERTIFIED COPY OF THE ORDINANCE OR REFERENDUM RESULTS IS FILED WITH THE DEPARTMENT OF REVENUE, FOR THE**

**PERIOD OF IMPOSITION PROVIDED IN THAT ORDINANCE OR REFERENDUM, THE DEPARTMENT MAY NOT ACCEPT AS FILED ANY ADDITIONAL ORDINANCE OR REFERENDUM RESULTS FROM THE MUNICIPALITY THAT IN ANY WAY RELATES TO THE FEE ALLOWED TO BE IMPOSED PURSUANT TO THIS CHAPTER EXCEPT AN ORDINANCE OR THE REFERENDUM RESULTS REDUCING OR REPEALING THE EXISTING FEE. THE DEPARTMENT SHALL ACCEPT FOR FILING A CERTIFIED COPY OF AN ORDINANCE OR REFERENDUM RESULTS REDUCING OR REPEALING THE FEE AND THAT REDUCTION OR REPEAL APPLIES IN THE MANNER PROVIDED IN SECTION 4-10-930(D) FOR IMPOSITION.**

**SECTION 4-10-940. (A) THE FEE ALLOWED BY THIS ARTICLE IS AN AMOUNT NOT TO EXCEED ONE PERCENT OF THE GROSS PROCEEDS OF SALES OR SALES PRICE OF ALL AMOUNTS SUBJECT TO THE SALES AND USE TAX IMPOSED PURSUANT TO CHAPTER 36, TITLE 12.**

**(B) THE FEE IMPOSED PURSUANT TO THIS ARTICLE MUST BE ADMINISTERED AND COLLECTED BY THE DEPARTMENT OF REVENUE IN THE SAME MANNER THAT SALES AND USE TAXES ARE COLLECTED. THE DEPARTMENT MAY PRESCRIBE AMOUNTS THAT MAY BE ADDED TO THE SALES PRICE BECAUSE OF THE FEE.**

**(C) THE FEE AUTHORIZED BY THIS ARTICLE IS IN ADDITION TO ALL OTHER LOCAL SALES AND USE TAXES AND APPLIES TO THE GROSS PROCEEDS OF SALES IN THE APPLICABLE AREA THAT IS SUBJECT TO THE TAX IMPOSED BY CHAPTER 36, TITLE 12 AND THE ENFORCEMENT PROVISIONS OF CHAPTER 54, TITLE 12. THE GROSS PROCEEDS OF THE SALE OF ITEMS SUBJECT TO A MAXIMUM TAX IN CHAPTER 36, TITLE 12 AND THE GROSS PROCEEDS OF SALES OF UNPREPARED FOOD THAT LAWFULLY MAY BE PURCHASED WITH UNITED STATE DEPARTMENT OF AGRICULTURE FOOD COUPONS ARE EXEMPT FROM THE FEE IMPOSED BY THIS ARTICLE. THE FEE IMPOSED BY THIS ARTICLE ALSO APPLIES TO TANGIBLE PERSONAL PROPERTY SUBJECT TO THE USE TAX IN ARTICLE 13, CHAPTER 36, TITLE 12.**



**(D) THE PROVISIONS OF SUBSECTIONS (C), (D), (E), (F), AND (G) OF SECTION 4-10-350 APPLY FOR FEE PAYORS AND THE FEE ALLOWED TO BE IMPOSED PURSUANT TO THIS ARTICLE, INCLUDING FURTHER IDENTIFICATION OF POINT OF SALE JURISDICTIONS, MUTATIS MUTANDIS.**

**(E) THE REVENUES OF THE FEE IMPOSED PURSUANT TO THIS ARTICLE MUST BE REMITTED TO THE DEPARTMENT OF REVENUE AND PLACED ON DEPOSIT WITH THE STATE TREASURER AND CREDITED TO A FUND SEPARATE AND DISTINCT FROM THE GENERAL FUND OF THE STATE. AFTER DEDUCTING THE AMOUNT OF ANY REFUNDS MADE AND COSTS TO THE DEPARTMENT OF REVENUE OF ADMINISTERING THE TAX, NOT TO EXCEED ONE PERCENT OF THE REVENUES, THE STATE TREASURER SHALL DISTRIBUTE THE REVENUES AND INTEREST QUARTERLY BASED ON POINT OF COLLECTION TO THE TREASURER OF THE MUNICIPALITY IN WHICH THE FEE IS IMPOSED AND THE REVENUES MUST BE USED ONLY FOR THE PURPOSES PROVIDED IN SECTION 4-10-970. THE STATE TREASURER MAY CORRECT MISALLOCATIONS BY ADJUSTING SUBSEQUENT DISTRIBUTIONS, BUT THESE ADJUSTMENTS MUST BE MADE IN THE SAME FISCAL YEAR AS THE MISALLOCATIONS. HOWEVER, ALLOCATIONS MADE AS A RESULT OF MUNICIPAL CODE ERRORS MUST BE CORRECTED PROSPECTIVELY.**

**SECTION 4-10-960. THE DEPARTMENT OF REVENUE SHALL FURNISH DATA TO THE STATE TREASURER AND TO THE MUNICIPAL TREASURERS RECEIVING REVENUES FOR THE PURPOSE OF CALCULATING DISTRIBUTIONS AND ESTIMATING REVENUES. THE INFORMATION THAT MUST BE SUPPLIED TO MUNICIPALITIES UPON REQUEST INCLUDES, BUT IS NOT LIMITED TO, GROSS RECEIPTS, NET TAXABLE SALES, AND TAX LIABILITY BY TAXPAYERS. INFORMATION ABOUT A SPECIFIC TAXPAYER IS CONSIDERED CONFIDENTIAL AND IS GOVERNED BY THE PROVISIONS OF SECTION 12-54-240. A PERSON**

**VIOLATING THIS SECTION IS SUBJECT TO THE PENALTIES PROVIDED IN SECTION 12-54-240.**

**SECTION 4-10-970. (A)(1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, ALL REVENUES AND INTEREST OF THE FEE MUST BE USED EXCLUSIVELY FOR TOURISM ADVERTISEMENT AND PROMOTION DIRECTED AT NON-SOUTH CAROLINA RESIDENTS.**

**(2) REVENUES RECEIVED IN THE THIRD AND SUBSEQUENT YEARS OF IMPOSITION MUST BE USED AS PROVIDED IN ITEM (1) EXCEPT THAT UP TO TWENTY PERCENT MAY BE USED FOR PROPERTY TAX ROLLBACKS ON OWNER-OCCUPIED REAL PROPERTY OR TOURISM-RELATED CAPITAL PROJECTS, OR A COMBINATION OF THESE PURPOSES, BUT NO LESS THAN TWENTY PERCENT OF THESE FUNDS MUST BE USED FOR PROPERTY TAX ROLLBACK ON OWNER OCCUPIED PROPERTY. NO CAPITAL PROJECT IS ELIGIBLE TO BE FUNDED DIRECTLY OR INDIRECTLY WITH FEE REVENUES UNLESS THE PROJECT CONSISTS OF CONSTRUCTION OF NEW OR RENOVATION OF EXISTING TOURISM-RELATED FACILITIES INTENDED TO GROW OR MAINTAIN THE OVERNIGHT TOURISM MARKET IN THE CITY.**

**(B) THE MUNICIPALITY SHALL DESIGNATE NO MORE THAN TWO ORGANIZATIONS WITHIN THE MUNICIPALITY TO RECEIVE THE REVENUES AND INTEREST AND CONDUCT THE PROMOTIONAL ACTIVITIES PROVIDED PURSUANT TO SUBSECTION (A)(1). THESE ORGANIZATIONS MUST BE NONPROFIT DESTINATION MARKETING ORGANIZATIONS REPRESENTING A BROAD CROSS-SECTION OF TOURISM INTERESTS WITHIN THE COUNTY. IN ADDITION, BEFORE AN ORGANIZATION MAY BE DESIGNATED, IT MUST CERTIFY TO THE IMPOSING MUNICIPALITY THAT:**

**(1) ITS PROMOTIONAL AND ADVERTISING PROGRAMS ARE BASED ON RESEARCH BASED OUTCOMES;**

**(2) THE ORGANIZATION HAS A PROVEN RECORD OF SUCCESS IN CREATING NEW AND REPEAT VISITATION TO THE MUNICIPALITY IMPOSING THE FEE;**

**(3) IT HAS SUFFICIENT RESOURCES TO CREATE, PLAN, IMPLEMENT, AND MEASURE THE MARKETING PROGRAM GENERATED BY THE FEE REVENUES;**

**(4) IT WILL USE THE FUNDS ONLY FOR THE PURPOSES PROVIDED PURSUANT TO SUBSECTION (B)(1) OF THIS SECTION.**

**(C) THERE MAY BE AT LEAST ONE REGIONAL TOURISM PROMOTER IN EACH COUNTY THAT MAY RECEIVE FUNDS FROM MUNICIPALITIES IMPOSING A FEE PURSUANT TO THIS SECTION TO PROMOTE REGIONAL TOURISM.”**

**SECTION 2. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED



DRAFFIN/KUBALA  
MARCH 26, 2009

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CLERK OF THE HOUSE

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REPS. HERBKERSMAN, CLYBURN PROPOSE THE  
FOLLOWING AMENDMENT No. TO H. 3148  
(COUNCIL\GJK\20236SD09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, IN  
SECTION 11-50-40 OF THE 1976 CODE, AS  
CONTAINED IN SECTION 1, BY ADDING AT THE  
END OF ITEM (5) WHICH BEGINS ON LINE 9, PAGE  
3, THE FOLLOWING: / THE TERM 'ELIGIBLE  
ENTITY' ALSO INCLUDES A NOT-FOR-PROFIT  
WATER COMPANY. /**

**AMEND THE BILL FURTHER, AS AND IF AMENDED,  
IN SECTION 11-50-40 OF THE 1976 CODE, BY  
ADDING AT THE END OF ITEM (13) WHICH BEGINS**

**ON LINE 4, PAGE 4, THE FOLLOWING:/ A RURAL  
INFRASTRUCTURE PROJECT ALSO INCLUDES  
WATER SUPPLY AND AQUACULTURE PROJECTS. /**

**/**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

2

CONE/MELTON  
MARCH 26, 2009

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CLERK OF THE HOUSE

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REPS. MERRILL, RICE AND A. YOUNG PROPOSE THE  
FOLLOWING AMENDMENT No. TO H. 3018  
(DOCUME~1\PAULPA~1\LOCALS~1\TEMP\XPGRPWISE\9290HTC09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY  
STRIKING ALL AFTER THE ENACTING WORDS AND  
INSERTING:**

**/ SECTION 1. SECTION 12-37-220(B) OF  
THE 1976 CODE IS AMENDED BY ADDING A NEW  
ITEM AT THE END APPROPRIATELY NUMBERED TO  
READ:**

**“( ) ONE HUNDRED PERCENT OF THE VALUE OF AN IMPROVEMENT TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME OFFERED FOR SALE BY A RESIDENTIAL BUILDER OR DEVELOPER THROUGH THE EARLIER OF:**

**(A) THE PROPERTY TAX YEAR IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED; OR**

**(B) THE PROPERTY TAX YEAR ENDING THE THIRD DECEMBER THIRTY FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE OF OCCUPANCY, IF REQUIRED, IS ISSUED THEREON.**

**IN LIEU OF OTHER EXEMPTION APPLICATION REQUIREMENTS, THE OWNER OF PROPERTY ELIGIBLE FOR THE EXEMPTION ALLOWED BY THIS ITEM SHALL OBTAIN THE EXEMPTION BY NOTIFYING THE COUNTY ASSESSOR AND COUNTY AUDITOR BY WRITTEN AFFIDAVIT NO LATER THAN THIRTY DAYS AFTER THE CERTIFICATE OF OCCUPANCY IS ISSUED AND NO LATER THAN JANUARY THIRTY-FIRST IN SUBSEQUENT EXEMPTION ELIGIBILITY YEARS THAT THE**

**PROPERTY IS OF THE TYPE ELIGIBLE FOR THE EXEMPTION AND UNOCCUPIED AND IF FOUND IN ORDER, THE EXEMPTION IS ALLOWED FOR THE APPLICABLE PROPERTY TAX YEAR. IF THE UNSOLD RESIDENCE IS OCCUPIED AT ANY TIME BEFORE ELIGIBILITY FOR THE EXEMPTION ENDS, THE OWNER SHALL SO NOTIFY THE AUDITOR AND ASSESSOR AND THE EXEMPTION ENDS AS PROVIDED IN SUBITEM (A) OF THIS ITEM.”**

**SECTION 2. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR AND APPLIES FOR SINGLE FAMILY HOMES COMPLETED AND, IF REQUIRED, A CERTIFICATE OF OCCUPANCY ISSUED THEREON AFTER 2006. NO REFUNDS ARE ALLOWED FOR PROPERTY TAX YEARS 2007 AND 2008 AS A RESULT OF THE EXEMPTION ALLOWED PURSUANT TO THIS ACT. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**



HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

2

CONE/MELTON  
MARCH 25, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. A. YOUNG PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3272

(DOCUME~1\PAULPA~1\LOCALS~1\TEMP\XPGRPWISE\9287HTC09):

**REFERENCE IS TO THE PROPOSED COMMITTEE  
AMENDMENT DATED MARCH 2, 2009, DOC. NO.  
P:\LEGWORK\HOUSE\AMEND\COUNCIL\GJK\20169HT  
C09.DOCX, AS AND IF AMENDED, BEGINNING ON PAGE  
5, BY STRIKING SECTION 4 AND INSERTING:**

**/ SECTION 4. THIS ACT TAKES EFFECT UPON  
APPROVAL BY THE GOVERNOR AND APPLIES FOR  
PROPERTY TAX YEARS BEGINNING AFTER 2008. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

DRAFFIN/KUBALA  
MARCH 26, 2009

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CLERK OF THE HOUSE

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REP. A. D. YOUNG PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3365  
(DOCUME~1\TMR\LOCALS~1\TEMP\XPGRPWISE\2022  
9SD09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE PROPOSED AMENDMENT OF THE  
WAYS AND MEANS COMMITTEE DATED MARCH  
18, 2009, BEARING DOCUMENT NUMBER  
COUNCIL/GJK/20210SD09, AS AND IF AMENDED,  
BY STRIKING SUBSECTION (D) OF SECTION  
2-47-53 OF THE 1976 CODE AS CONTAINED IN  
SECTION 4, WHICH BEGINS ON PAGE 7 AND  
INSERTING:**

**/ (D)(1) FOR PURPOSES OF THIS CHAPTER, AND EXCEPT AS PROVIDED IN ITEM (2) BELOW IN REGARD TO NEW CONSTRUCTION, WITH REGARD TO THESE INSTITUTIONS OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT IS DEFINED AS ANY OF THE FOLLOWING IN WHICH, AFTER COMPLETION OF ARCHITECTURAL AND ENGINEERING AND OTHER TYPES OF PLANNING AND DESIGN WORK, THE TOTAL COST OF THE ITEM IS ONE MILLION DOLLARS OR MORE:**

**(A) ACQUISITION OF LAND;**

**(B) ACQUISITION, AS OPPOSED TO THE CONSTRUCTION, OF BUILDINGS OR OTHER STRUCTURES;**

**(C) WORK ON EXISTING FACILITIES INCLUDING SAFETY ISSUES FOR ANY GIVEN PROJECT INCLUDING THEIR RENOVATION, REPAIR, MAINTENANCE, ALTERATION, OR DEMOLITION;**

**(D) CAPITAL LEASE PURCHASE OF A FACILITY ACQUISITION OR CONSTRUCTION; OR**

**(E) EQUIPMENT THAT EITHER BECOMES A PERMANENT FIXTURE OF A FACILITY OR DOES NOT BECOME PERMANENT BUT IS INCLUDED IN THE CONSTRUCTION CONTRACT SHALL BE INCLUDED AS A PART OF A PROJECT.**

**(2) FOR PURPOSES OF THIS CHAPTER, ANY PROJECT OF THESE INSTITUTIONS WHICH INVOLVES NEW CONSTRUCTION OF A FACILITY THAT EXCEEDS A TOTAL COST OF FIVE HUNDRED THOUSAND DOLLARS, AFTER COMPLETION OF ARCHITECTURAL AND ENGINEERING AND OTHER TYPES OF PLANNING AND DESIGN WORK, MUST BE CONSIDERED A PERMANENT IMPROVEMENT PROJECT.**

**(3) ANY PERMANENT IMPROVEMENT PROJECT THAT MEETS THE ABOVE DEFINITIONS MUST BECOME A PROJECT, REGARDLESS OF THE SOURCE OF FUNDS. HOWEVER, AN INSTITUTION OF HIGHER LEARNING THAT HAS BEEN AUTHORIZED OR APPROPRIATED CAPITAL IMPROVEMENT BOND FUNDS, STATE INSTITUTION BOND FUNDS, CAPITAL RESERVE FUNDS OR STATE APPROPRIATED FUNDS, OR STATE INFRASTRUCTURE BOND FUNDS BY THE GENERAL ASSEMBLY FOR**

**CAPITAL IMPROVEMENTS SHALL PROCESS A PERMANENT IMPROVEMENT PROJECT, REGARDLESS OF THE AMOUNT. /**

**AMEND THE AMENDMENT FURTHER, AS AND IF AMENDED, BY STRIKING SECTION 8 ON PAGE 18 IN ITS ENTIRETY.**

**AMEND THE AMENDMENT FURTHER, AS AND IF AMENDED, BY ADDING AT THE END OF SUBSECTION (A) OF SECTION 59-101-620 OF THE 1976 CODE, PAGE 27, AS CONTAINED IN SECTION 15 THE FOLLOWING:**

**/ANY FEE WAIVERS ABOVE FOUR PERCENT MUST BE USED FOR IN-STATE STUDENTS. FOR THE PURPOSES OF FEE WAIVERS, AN IN-STATE STUDENT SHALL BE DEFINED BY SECTION 59-112-20(A). /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

#2

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

DRAFFIN/KUBALA  
MARCH 26, 2009

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CLERK OF THE HOUSE

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REP. MERRILL PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3365  
(DOCUME~1\TMR\LOCALS~1\TEMP\XPGRPWISE\2023  
1SD09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE PROPOSED AMENDMENT OF THE  
WAYS AND MEANS COMMITTEE DATED MARCH  
18, 2009, BEARING DOCUMENT NUMBER  
COUNCIL/GJK/20210SD09, AS AND IF AMENDED,  
IN SECTION 59-147-30 OF THE 1976 CODE, AS  
CONTAINED IN SECTION 7, PAGE 16, BY ADDING  
A NEW PARAGRAPH AT THE END OF SECTION 59-  
147-30 TO READ:**

**/ NOTWITHSTANDING THE PROVISIONS OF  
SECTION 59-147-120, FOUR YEAR AND GRADUATE  
LEVEL PUBLIC INSTITUTIONS OF HIGHER  
LEARNING IN THIS STATE NOT INCLUDING  
TECHNICAL COLLEGES MAY ISSUE REVENUE  
BONDS AS AUTHORIZED BY THIS SECTION FOR  
THOSE ACADEMIC FACILITIES AS MAY BE  
AUTHORIZED BY JOINT RESOLUTION OF THE  
GENERAL ASSEMBLY. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

DRAFFIN/KUBALA  
MARCH 26, 2009

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CLERK OF THE HOUSE

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REPS. MERRILL, A. D. YOUNG PROPOSE THE FOLLOWING  
AMENDMENT No. TO H. 3365  
(DOCUME~1\TMR\LOCALS~1\TEMP\XPGRPWISE\2023  
5SD09):

**AMEND THE PROPOSED AMENDMENT OF THE  
WAYS AND MEANS COMMITTEE DATED MARCH  
18, 2009, BEARING DOCUMENT NUMBER  
COUNCIL/GJK/20210SD09, AS AND IF AMENDED,  
IN SECTION 15, BY ADDING A NEW SUBSECTION  
(C) TO READ:**

**/(C) CHAPTER 112, TITLE 59 OF THE 1976 CODE  
IS AMENDED BY ADDING:**

**“SECTION 59-112-115. WHENEVER THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATED<sup>1</sup> LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE NOT INCLUDING A TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**



HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

#4

MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. MERRILL, PROPOSE THE FOLLOWING AMENDMENT  
No. TO H. 3365:

**AMEND THE PROPOSED AMENDMENT OF THE  
WAYS AND MEANS COMMITTEE DATED MARCH  
18, 2009, BEARING DOCUMENT NUMBER  
COUNCIL/GJK/20210SD09, AS AND IF AMENDED,  
BY ADDING A NEW SUBSECTION TO READ:**

**/FOR PROJECTS SUBMITTED TO THE THE JOINT  
BOND REVIEW COMMITTEE FOR REVIEW, THE  
COMMITTEE MAY REQUEST THE ASSISTANCE OF  
THE STATE TREASURER'S OFFICE TO REVIEW  
THE PROJECT'S FEASIBILITY, AND FINANCING  
STRUCTURE. /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

#5

MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REPS. YOUNG AND MERRILL, PROPOSE THE  
FOLLOWING AMENDMENT TO: H. 3365

**AMEND THE PROPOSED AMENDMENT OF THE  
WAYS AND MEANS COMMITTEE DATED MARCH  
18, 2009, BEARING DOCUMENT NUMBER  
COUNCIL/GJK/20210SD09, AS AND IF AMENDED,  
BY ADDING A NEW SUBSECTION TO READ:**

**/WITHIN SIX MONTHS OF ENACTMENT OF THIS BILL,  
EACH INSTITUTIONAL BOARD SHALL ADOPT A POLICY  
THAT PROMOTES FINANCIAL DISCLOSURE BY THE  
INSTITUTION FOR THE BENEFIT OF CITIZENS,  
STUDENTS AND THEIR FAMILIES REGARDING THE  
INSTITUTION'S SPENDING PRACTICES AND PROVIDES  
INFORMATION ON DECISIONS THAT DEMONSTRATE  
THE INSTITUTION IS A GOOD STEWARD OF ITS'**

**FINANCIAL RESOURCES. THIS POLICY AND FINANCIAL DISCLOSURE MUST BE PUBLISHED IN A TIMELY MANNER ON THE INSTITUTION'S WEBSITE. THE POLICY MUST ALSO PROVIDE FOR SOLICITING FEEDBACK FROM THE PUBLIC, STUDENTS AND THEIR FAMILIES TO IDENTIFY INFORMATION OF GREATEST USE AND INTEREST TO THEM. /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

2

McGEE/MORGAN  
MARCH 25, 2009

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CLERK OF THE HOUSE

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REP. OTT PROPOSES THE FOLLOWING AMENDMENT No. TO  
H. 3584 (COUNCIL\AGM\19367MM09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, SECTION  
38-62-140 AS FOUND IN SECTION 4, BY  
DELETING SECTION 38-62-140 IN ITS ENTIRETY  
AND INSERTING:**

**/ SECTION 38-62-140. THE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES MUST SUBMIT  
AND NEGOTIATE ANY STATE PLAN AMENDMENTS,  
WAIVER APPLICATIONS, OR OTHER APPROPRIATE  
REQUESTS TO THE CENTERS FOR MEDICARE AND  
MEDICAID SERVICES (CMS) NECESSARY TO  
ALLOW THE USE OF FEDERAL MEDICAID**

**FUNDING TO ACCOMPLISH THE PURPOSES  
OUTLINED IN THIS SECTION. THE DEPARTMENT  
MUST SUBMIT THE INITIAL REQUEST NO LATER  
THAN NINETY DAYS AFTER THE EFFECTIVE DATE  
OF THIS CHAPTER.” /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**

③

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

McGEE/MORGAN  
MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. M.A. PITTS PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3584 (COUNCIL\AGM\19374MM09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, SECTION  
12-21-625(A) AND (B) AS FOUND IN SECTION 1,  
BY DELETING ITEMS (A) AND (B) IN THEIR  
ENTIRETY AND INSERTING:**

**/ “SECTION 12-21-625. (A) EFFECTIVE JULY  
1, 2009, THERE IS IMPOSED A SURTAX ON  
CIGARETTES SUBJECT TO THE TAX IMPOSED  
PURSUANT TO SECTION 12-21-620(1) IN AN  
AMOUNT EQUAL TO THREE AND TWO-TENTHS  
CENTS ON EACH CIGARETTE.**

**(B) NOTWITHSTANDING ANOTHER PROVISION OF LAW PROVIDING FOR THE CREDITING OF THE REVENUES OF LICENSE OR OTHER TAXES, THE REVENUE OF THE SURTAX IMPOSED PURSUANT TO THIS SECTION MUST BE CREDITED AS FOLLOWS:**

**(1) EACH YEAR, FIVE MILLION DOLLARS TO THE SMOKING PREVENTION AND CESSATION TRUST FUND CREATED PURSUANT TO SECTION 11-11-230(A) AND ONE CENT FROM EACH PACK OF CIGARETTES TO THE DEPARTMENT OF AGRICULTURE TO CAUSE THE MARKETING AND BRANDING OF SOUTH CAROLINA AGRICULTURAL CROPS OR PRODUCE AS BEING GROWN IN SOUTH CAROLINA WHEN OFFERED FOR SALE IN RETAIL ESTABLISHMENTS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS;**

**(2) NOT LESS THAN FIFTEEN MILLION DOLLARS TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION FOR THE ALLIED HEALTHCARE INITIATIVE;**

**(3)NOT LESS THAN TEN MILLION DOLLARS TO THE COMMISSION ON HIGHER EDUCATION FOR THE CRITICAL NEEDS NURSING INITIATIVE FUND ESTABLISHED PURSUANT TO CHAPTER 110 OF TITLE 59; AND**

**(4)THE REMAINING ANNUAL REVENUE TO THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND CREATED PURSUANT TO SECTION 11-11-230(B) AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND CREATED PURSUANT TO SECTION 11-11-230(C). /**

**RENUMBER SECTIONS TO CONFORM.**

**AMEND TITLE TO CONFORM.**



#41

HOUSE  
AMENDMENT

THIS AMENDMENT  
ADOPTED

McGEE/MORGAN  
MARCH 26, 2009

\_\_\_\_\_  
CLERK OF THE HOUSE

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REP. SIMRILL PROPOSES THE FOLLOWING AMENDMENT  
No. TO H. 3584 (COUNCIL\AGM\19377MM09):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, SECTION  
12-21-625(A) AND (B) AS FOUND IN SECTION 1  
BY DELETING SUBSECTIONS (A) AND (B) IN THEIR  
ENTIRETY AND INSERTING:**

**/ (A) EFFECTIVE JULY 1, 2009, THERE IS  
IMPOSED A SURTAX ON CIGARETTES SUBJECT TO  
THE TAX IMPOSED PURSUANT TO SECTION  
12-21-620(1) IN AN AMOUNT EQUAL TO ONE AND  
ONE-HALF CENTS ON EACH CIGARETTE.**

**(B) NOTWITHSTANDING ANOTHER  
PROVISION OF LAW PROVIDING FOR THE**

**CREDITING OF THE REVENUES OF LICENSE OR OTHER TAXES, THE REVENUE OF THE SURTAX IMPOSED PURSUANT TO THIS SECTION MUST BE CREDITED AS FOLLOWS:**

**(1)EACH YEAR, FIVE MILLION DOLLARS TO THE SMOKING PREVENTION AND CESSATION TRUST FUND CREATED PURSUANT TO SECTION 11-11-230(A) AND ONE CENT FROM EACH PACK OF TWENTY CIGARETTES OR AN EQUIVALENT AMOUNT TO THE DEPARTMENT OF AGRICULTURE TO CAUSE THE MARKETING AND BRANDING OF SOUTH CAROLINA AGRICULTURAL CROPS OR PRODUCE AS BEING GROWN IN SOUTH CAROLINA WHEN OFFERED FOR SALE IN RETAIL ESTABLISHMENTS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS; AND**

**(2)THE REMAINING ANNUAL REVENUE TO THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND CREATED PURSUANT TO SECTION 11-11-230(B) AND THE PALMETTO**

**HEALTH CARE SAFETY NET TRUST FUND  
CREATED PURSUANT TO SECTION 11-11-230(C). /**

**RENUMBER SECTIONS TO CONFORM.  
AMEND TITLE TO CONFORM.**